

AUG 03 2005

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Fax

To: United States Patent & Trademark Office **From:** Steven Fischman, Esq.

Fax: 1-571-273-8300

Pages: 22 (including fax cover sheet)

Phone:

Date: August 3, 2005

Re: Jennifer E. Appleyard
IBM Ref: BUR920040032US1
U.S. Patent Appln. No. 10/708,916
Our Docket: 17437

CC:


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Attached for submission to the U.S. Patent and Trademark Office are the following:

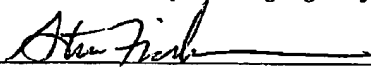
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- Amendment Transmittal Letter (2)
- Amendment and Response Under 37 C.F.R. §1.111


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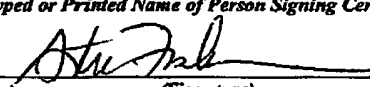
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|--|---|-------------------------------------|--|-------------------------------|---|--|
| AMENDMENT TRANSMITTAL LETTER (Large Entity) | | | | | Docket No. BUR920040032US1 (17437) | |
| Applicant(s): Jennifer E. Appleyard | | | | | | |
| Application No. 10/708,916 | Filing Date March 31, 2004 | Examiner Xiuquin Sun | Customer No. 23389 | Group Art Unit 2863 | Confirmation No. 2915 | |
| Invention: TEMPERATURE COMPENSATION IN MAXIMUM FREQUENCY MEASUREMENT AND SPEED SORT | | | | | | |
| <u>COMMISSIONER FOR PATENTS:</u> | | | | | | |
| Transmitted herewith is an amendment in the above-identified application. | | | | | | |
| The fee has been calculated and is transmitted as shown below. | | | | | | |
| CLAIMS AS AMENDED | | | | | | |
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE | |
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| INDEP. CLAIMS | 2 - | 3 = | 0 | x \$200.00 | \$0.00 | |
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| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 | |
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|  <i>Signature</i> | | | | | | |
| Steven Fischman Registration No. 34,594 SCULLY, SCOTT, MURPHY & PRESSER 400 Garden City Plaza, Suite 300 Garden City, New York 11530 (516) 742-4343 | | | | | | |
| Dated: August 3, 2005 | | | | | | |
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| CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) | | Docket No. BUR920040032US1 (17437) | |
| Applicant(s): Jennifer E. Appleyard | | | |
| Application No. 10/708,916 | Filing Date March 31, 2004 | Examiner Xiuquin Sun | Group Art Unit 2863 |
| Invention: TEMPERATURE COMPENSATION IN MAXIMUM FREQUENCY MEASUREMENT AND SPEED SORT | | | |
| | | | |
| I hereby certify that this Amendment and Response Under 37 C.F.R. Sec. 1.111 (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 571-273-8300) on August 3, 2005 (Date) <div style="text-align: right;">Steven Fischman, Reg. No. 34,594 (Typed or Printed Name of Person Signing Certificate)  (Signature)</div> | | | |
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| Application No. 10/708,916 | Filing Date March 31, 2004 | Examiner Xiuquin Sun | Customer No. 23389 | Group Art Unit 2863 | Confirmation No. 2915 |
| Invention: TEMPERATURE COMPENSATION IN MAXIMUM FREQUENCY MEASUREMENT AND SPEED SORT | | | | | |
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| Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below. | | | | | |
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| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE |
| TOTAL CLAIMS | 20 - | 20 = | 0 | x \$50.00 | \$0.00 |
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| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
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|  Signature | | | Dated: August 3, 2005 | | |
| Steven Fischman Registration No. 34,594 SCULLY, SCOTT, MURPHY & PRESSER 400 Garden City Plaza, Suite 300 Garden City, New York 11530 (516) 742-4343 | | | <div style="border: 1px solid black; padding: 5px;"><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</p><p style="text-align: center;">(Date)</p><p style="text-align: center;">_____ Signature of Person Mailing Correspondence</p><p style="text-align: center;">_____ Typed or Printed Name of Person Mailing Correspondence</p></div> | | |
| SF/BMM:ej cc: | | | | | |

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| CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Jennifer E. Appleyard | | Docket No. BUR920040032US1 (17437) | |
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CENTRAL FAX CENTER****AUG 03 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Applicants:** Jennifer E. Appleyard**Examiner:** Xiuquin Sun**Serial No.:** 10/708,916**Art Unit:** 2863**Filed:** 3/31/2004**Docket:** BUR920040032US1 (17437)**For:** TEMPERATURE COMPENSATION
IN MAXIMUM FREQUENCY
MEASUREMENT AND SPEED SORT**Conf. No.:** 2915**Dated:** August 3, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.111

Sir:

This document is submitted in response to the Non-Final Office Action mailed May 3, 2005. No new matter has been introduced.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: August 3, 2005
Steven Fischman

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